

Attachment A— Article 21

5.2 Signs

5.21 Purpose.

Under authority of the General Laws, the Town of Ashburnham adopts this chapter for the regulation and restriction of signs and other outdoor, visual advertising devices on public ways, on private property within public view, in public parks, and in playgrounds. The purpose of these sign regulations are to encourage the effective use of signs as a means of communication in the Town; to maintain and enhance the aesthetic environment of the Town; to encourage the Town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; and to minimize the possible adverse effect of signs on nearby public and private property.

5.22 Definitions.

ACCESSORY SIGN

A sign relating in its subject matter to the premises upon which it is located or to the primary products, accommodations, services, or activities upon the premises.

ANIMATED SIGNS

A sign that uses movement, moving images or changes of lighting to depict action or create a special effect or scene.

AREA OF SIGN

The area of a sign shall be determined by measuring the area within the perimeter which forms the outside shape of display elements from the top of the highest display elements to the bottom of the lowest display elements and from exterior side to exterior side of display elements, including in such measurement any blank or open area between display elements. Display elements include any letters, words, trademarks, logos, and symbols. Any frame around the sign shall be included in the measurement, but the measurement shall not include any supporting structure or bracing. Any such measurement shall be taken on only one face of the sign, although informational or advertising matter may be displayed on both sides of any permitted sign.

BILLBOARD

A sign in excess of 200 square feet in area and located on a lot, building or roof but unrelated to a business or profession conducted, to a service offered or to a commodity sold upon the premises where such sign is located.

BUSINESS

A single store, office, research facility, manufacturing facility, or noncommercial establishment, or similar location for a single activity.

BUSINESS CENTER

A group of five or more businesses which collectively have a name different from the name of any of the individual businesses and which have common private parking and entrance facilities.

DIRECTORY SIGN

A sign which lists the tenants or occupants of a premises and may indicate respective professions.

FREESTANDING SIGN

A sign supported by uprights, braces, structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including pole signs, ground signs and sandwich signs.

GROUND SIGN

A freestanding sign in contact with, or within six inches of, the ground surface.

HISTORIC SIGN

An accessory sign 50 or more years old that is structurally safe, or any other sign designated by an accredited historic association or governmental agency to have historical significance.

ILLUMINATED SIGN

A sign that has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes.

INCIDENTAL SIGN

An informational sign, no larger than two square feet, which has a purpose secondary to the use of the premises on which it is located, such as "loading only," "no parking," "entrance," "telephone," "credit cards accepted," "open," "closed," "back in one hour" and other similar directives.

INSPECTOR OF BUILDINGS

The duly appointed inspector of buildings for the Town of Ashburnham, local inspector, or any alternate inspector who meets the qualifications set forth in 780 C.M.R. § 107.3.

LOT

A single area of land in one ownership with definite boundaries as described on a recorded deed or recorded plan.

MARQUEE SIGN

A projecting sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street line.

POLE SIGN

A freestanding sign elevated more than six inches above the ground surface by a supporting structure.

PORTABLE SIGN

A sign not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied force by means of its geometry or character, or a sign designed to be transported, including, but not limited to, posters, sandwich signs, temporary signs, balloons, flags used as signs, banners, streamers, pennants, umbrellas used for advertising, wheeled signs, signs on portable letter

boards, and signs mounted on, attached to or painted on vehicles parked and visible from a public right-of-way.

POSTER

A sign no more than eight square feet in area printed on cardboard, paper or other similar nondurable material and not permanently attached to the ground, a building or other permanent structure. Said sign shall include, but not be limited to, the advertising of goods and services that are weekly or monthly specials, or other types of temporary specials. Said signs shall comply with the setback provisions of section 5.23.9 herein.

PREMISES

A single residence, building or place of business.

PROJECTING SIGN

A sign attached directly to a building wall, and which extends more than 15 inches from the face of the wall, including, without limitation, so-called shingle signs, marquee signs and signs on canopies and awnings.

SANDWICH SIGNS

An A-frame, T-frame or menu sign.

SIGN

Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner to advertise, identify, or communicate information of any kind to the public. All such devices, fixtures, placards and structures visible from a public right-of-way, whether on the exterior or interior of a building, shall be considered signs.

STREET LINE

The boundary of the public right-of-way and private property, although the way may not have been constructed to its full width or although less than its full width is open or devoted to public travel.

TEMPORARY SIGN

A sign constructed of cloth, fabric, vinyl, paper, plywood, or other light temporary material not well suited to provide a durable substrate, with or without a structural frame, intended for a limited period of display and not permanently mounted, including a decoration display for holidays or public demonstrations, poster, other paper or cardboard sign, flag, banner, streamer, pennant, string of lights, or string of pennants.

WINDOW SIGN

A sign on exterior windowpanes of glass or placed inside an exterior window or mounted inside the window and intended to be visible from the exterior of the window.

5.23 General Regulations and Prohibitions

- 23.1 Abandoned signs. Any sign which has been abandoned or which advertises a business no longer conducted at the premises shall be removed within 30 days of abandonment or cessation of such business.
- 23.2 Accessory signs. Signs solely advertising brand names or products sold at the premises shall not be considered accessory signs, unless such brand name products constitute the majority of products sold at the premises.
- 23.3 Freestanding signs. The top of a freestanding sign shall not exceed in height the lesser of (a) 25 feet above grade or (b) five feet higher above grade than the distance from the base of the pole to the street line. A freestanding sign shall not be placed within five feet of the street line or lot line of the premises (or, if the distance between a building on the premises and the lot line or street line shall be less than 10 feet, 1/2 of such distance), nor within the setback required by the Zoning Bylaw, if any. If a pole sign shall be within 10 feet of a street line, it shall have a minimum clearance of 10 feet between grade and the bottom of the sign.
- 23.4 Illuminated signs. No sign shall be internally illuminated except "Open" signs displayed in the business and commercial districts during the hours such business or entity located on the premises is open. Such signs shall not exceed 3 square feet and may only employ lights emitting a constant intensity. No sign shall be illuminated by a flashing, intermittent, rotating, or moving light or lights.
- 23.5 Marquees. The changeable copy of marquee signs shall contain only advertising or information for current or upcoming events. Each marquee shall be constructed to meet the following requirements:
- a. It shall be equipped with gutters and conductors for the purpose of draining water toward the building to which it is attached, and shall not discharge ice, water or snow onto the street or the walk;
 - b. If such marquee shall be glazed, it shall be glazed with wire glass not less than 1/4 of an inch in thickness and be safely supported; and
 - c. It shall safely support its own weight plus a superimposed load of 30 pounds per square foot, equally distributed, in addition to any concentrated load to which it may be subjected.
- 23.6 Moving signs. Rotating signs, animated signs, rotating beacons, and otherwise moving signs shall be prohibited.
- 23.7 Number of signs. The total number of signs shall not exceed five per premises.
- 23.8 Pole signs. When calculating square feet of signs for purposes of maximum square footage allowed by this chapter, the actual square footage of pole signs shall be multiplied by 125%. Pole signs shall be limited to one per lot, regardless of the number of tenants. No pole sign shall be constructed within 50 feet of another pole sign.

- 23.9 Portable signs. Portable signs shall be prohibited, except (a) those painted or affixed to a duly registered motor vehicle, provided that such vehicle is not continuously parked in one location for a period in excess of two weeks and is used in the day-to-day operation of the business conducted at the premises at which such vehicle is parked, (b) temporary signs otherwise in compliance with this chapter, and (c) sandwich signs otherwise in compliance with this chapter and all regulations of the Department of Public Services.
- 23.10 Posters. Posters shall not be placed closer than five feet from the lot lines or street line (or, if the distance between a building on the premises and the lot line or street line shall be less than 10 feet, 1/2 of such distance) and are otherwise subject to the same restrictions as other temporary signs.
- 23.11 Projecting signs. Projecting signs (except those on marquees, canopies and awnings) shall not extend more than five feet over the public right-of-way. Marquee signs and projecting signs on canopies and awnings shall not extend more than eight feet over the public right-of-way. Projecting signs shall not be closer than three feet to the curb line. No portion of any projecting sign (or such marquee, canopy or awning on which it is located) shall be lower than 10 feet above grade. All canopies and awnings shall comply with other applicable bylaws and regulations.
- 23.12 Roof Signs. No sign shall be placed on a building above the eave line or gable, hip, or gambrel; above the parapet or eave on a flat or deck roof; on any part of or above the mansard portion of a mansard or French style roof; or on any part of or above the roof portion of an A-frame structure.
- 23.13 Sign posts. Sign posts and supports shall not contain lettering.
- 23.14 Signs for multiple businesses. Freestanding signs containing signs for more than one business in a commercial zone shall not exceed 80 square feet in the aggregate and shall only contain signs of consistent and uniform coloring, lighting, lettering and other characteristics.
- 23.15 Structural condition. All signs shall be maintained in a good repair, in good structural condition and in compliance with all building and electrical codes. No sign shall be erected so as to obstruct any door, window or fire escape.
- 23.16 Temporary signs. Temporary signs (other than posters) shall not be displayed for more than 60 continuous days. Posters shall not be displayed for more than 90 continuous days. If any premises shall have any temporary signs displayed for more than 90 days in any calendar year, all such signs at such premises shall not be considered temporary signs for the purposes of this chapter. Temporary signs, including posters, must be removed promptly when the event advertised is concluded.
- 23.17 Traffic sight lines. No sign shall be erected so as to constrict traffic sight lines for drivers or pedestrians. A freestanding sign shall not be placed within the triangle formed by connecting the point at the intersection of any street lines with the points on each street line 20 feet from such intersection.

- 23.18 Traffic signs. No sign, except as otherwise provided in this chapter, shall use the words "stop," "danger," or any other word, phrase, symbol, or character that might be misconstrued as a public safety warning or traffic sign.
- 23.19 Trees, etc. No sign shall be permitted on trees, light poles, telephone poles, or street identification signs.
- 23.20 Window signs. Window signs shall not exceed in aggregate square feet 60% of the total square footage of the window or glass door on which they are located.

5.24 Exemptions.

- 24.1 Flags. Governmental flags and governmental insignia, any other flag not in excess of 15 square feet.
- 24.2 For sale signs. "For Sale" or "For Rent" signs, not exceeding (a) eight square feet in aggregate area per premises in a nonresidential district or (b) six square feet in aggregate area per premises in a residential district and which advertise for sale or for rent only the premises upon which the sign is located. Sections 4.8 and 4.10 of this chapter shall also not apply to such signs. Such signs shall be removed promptly when the advertised sale or rental is concluded.
- 24.3 Historic signs.
- 24.4 Historical markers. Historical markers erected or placed by an accredited historical association or governmental agency.
- 24.5 Identifying signs. Signs which bear only house numbers, post box numbers, names of residents, or identification of premises and not exceeding two square feet in area per premises.
- 24.6 Incidental signs.
- 24.7 Information and directional signs. Informational, directional, traffic or warning signs erected or required by governmental agencies or bodies, including signs directing traffic to hospitals, parking areas, highways, cultural institutions and commercial areas.
- 24.8 Legal notices. Legal notices and identifications not exceeding two square feet in area, including "No Trespassing" and "No Hunting" signs.
- 24.9 Memorial signs. Memorial signs, plaques, or tablets.
- 24.10 Signs exempted by law with the exception of billboards. Signs described in M.G.L. c. 93, § 32.
- 24.11 Vending machine signs. Permanent signs on vending machines, gas pumps, ice containers or similar devices indicating only the contents of such devices.

5.25 Regulations Applicable to Specific Districts.

- 25.1 Districts. For the purpose of this chapter, the districts as established on the Town of Ashburnham Zoning Map, as amended from time to time, are hereby adopted by reference.
- 25.2 Signs permitted in residential districts with permits from the inspector of buildings and payment of a fee.
- a. Subdivision signs. One sign advertising any real estate development or subdivision.
 - b. Nonresidential use in residential district. One unlighted accessory sign per premises advertising a permitted nonresidential use in a residential district (other than permitted home occupations), not to exceed 12 square feet in area.
 - c. Up to two non-flashing signs, not to exceed six square feet in area per sign, pertaining to a permitted accessory use on the premises.
- 25.3 Signs permitted in business, industrial and commercial districts with permits from the inspector of buildings and payment of a fee.
- a. Sign limits. Each entity in a business or industrial district shall be allowed one or more accessory signs which shall not exceed 80 square feet in the aggregate, provided that a business with frontage on two or more streets shall be allowed an additional accessory sign or signs directed toward such additional street or streets which shall not exceed 50 additional square feet in the aggregate. Each entity in the Village Center Commercial district shall be allowed one or more accessory signs which shall not exceed 64 square feet in the aggregate, provided that a business with frontage on two or more streets shall be allowed an additional accessory sign or signs directed toward such additional street or streets which shall not exceed 32 additional square feet in the aggregate.
 - b. Frontage limits. The combined surface area of all signs on any premises in a business, industrial or commercial district shall not exceed four square feet in the aggregate per linear foot of frontage of the face of the building or of the lot on which such signs are located, whichever is greater.
 - c. Business center signs. In addition to other signs allowed to individual businesses, a business center shall be allowed one common accessory sign for each approved curb cut or driveway. Signs for any individual business on such common business center sign shall be consistent with the business center sign with uniform colorings, lighting, lettering and other characteristics.
 - d. Sandwich signs. Sandwich signs shall be allowed in business, industrial and commercial districts. Sandwich signs shall not exceed 12 square feet in area per sign and shall not exceed one square foot in the aggregate per lineal foot of frontage of the face of the building or of the lot on which such signs are located, whichever is greater. Sandwich signs must be within 15 feet of the advertised premises and must relate in subject matter to accommodations, services or activities upon the advertised premises.

26.2 Applications. For all signs requiring a permit the owner of the premises (or owner's authorized agent) shall apply to the inspector of buildings for the issuance of a sign permit on such application form as shall be acceptable to the inspector of buildings. All applications shall indicate the size, location, lighting, building materials and specifications for each proposed sign. The inspector of buildings shall be responsible for the review of the application, issuance of the sign permit, and enforcement of the provisions of this chapter. The inspector of buildings shall act upon a completed sign application within 45 days of its receipt. Each permit issued under the provisions of this chapter shall continue in effect until the sign is removed or the sign permit is revoked, canceled or otherwise terminated. The granting of a sign permit shall not relieve the owner or operator from procuring any permit or license required by any other provision of law, including but not limited to applicable provisions of the town's bylaws.

26.3 Bonds. Projecting Signs require the posting of a bond with the inspector of buildings, satisfactory to the Town Counsel as to form, and in the penal sum hereinafter set forth, duly executed by the applicant and a surety company qualified to do business in the Commonwealth, conditioned to indemnify the Town against any and all claims (including the cost of a trial) for personal injuries, consequential damages, and death, or damage to property resulting from the placing, construction, or maintenance or removal of such sign, and further conditioned to pay all judgments obtained against the owner or operator of the premises upon or to which the sign is to be placed, or against any person subsequently becoming the owner or operator of such premises, or the owner of such sign, or liable for its proper maintenance, by reason of personal injuries or damage to property resulting from the placing, construction or maintenance or removal of such sign.

a. The penal sum of such bonds shall be as follows:

- i. For damage to property, \$100,000; and
- ii. For personal injuries, including consequential damages and death, \$1,000,000.

Such bond or one similar in effect and amount shall be maintained in force for each such sign as long as it is maintained or until permission is given by the inspector of buildings to release or discharge the same. The failure to maintain such bond in force shall automatically terminate the sign permit under which such sign was erected and maintained.

b. A liability insurance policy may be provided in place of such a bond, subject to the following requirements:

- i. Such a liability policy shall be issued by an insurer authorized to do business in the Commonwealth and evidenced by an insurance certificate which shall require that the certificate holders be notified in writing at least 30 days in advance of any cancellation or non-renewal of the policy;
- ii. The applicant shall annually furnish to the Town Certificate(s) of Insurance showing coverage as set forth above;

- iii. The Town of Ashburnham shall be named as an additional insured on the liability insurance policies and so identified on the Insurance Certificate(s); and
 - iv. The Certificate Holders shall be the Town Administrator and the Town Treasurer, 32 Main Street, Ashburnham, Massachusetts 01430.
- 26.4 Enforcement. The inspector of buildings is authorized to enforce the provisions of this bylaw and order the repair or removal of any sign and its supporting structure which, in the inspector's judgment, is dangerous, in disrepair or which is maintained contrary to this chapter. The owner of the premises shall be responsible for reimbursing the Town for all expenses of removing and disposing of any abandoned or dangerous sign or sign in disrepair or maintained contrary to this chapter.
- 26.5 Exceptions. Any person seeking a sign not in conformity with this chapter may request a Special Permit for an exception to this bylaw from the ZBA. The ZBA shall establish applications and written procedures as it deems necessary pursuant to Section 6.4 of these Zoning Bylaws.
- 26.6 Fees. Sign permit applications may be subject to a reasonable fee which shall be established by the inspector of buildings.
- 26.7 The ZBA may grant a Special Permit for an exception to this bylaw where compliance with the provisions contained herein pose practical difficulties or unnecessary hardships to the applicant:
- a. Where the board finds that compliance is impractical or poses a hardship, including an economic hardship or a design issue due to difficulties that are peculiar to the premises, the land or the building(s), the business or the person requesting the Special Permit, resulting from conditions which do not exist generally throughout the zoning district; and
 - b. Upon due consideration of any competing interests, the public benefits intended to be secured by this bylaw, the individual hardships that will be suffered by the failure of the ZBA to grant the Special Permit, and the compatibility of the proposed sign with its surroundings, including but not limited to abutting properties.
 - i. No demonstration of a hardship shall be required for a Special Permit for temporary signs in connection with conventions, celebrations, parades or other special events.

Provided that no Special Permit shall be granted that results in aggregate signage on one lot being 50% or more than any applicable aggregate limitation set forth elsewhere in this sign bylaw.

- 26.8 Transfer of ownership. Upon the sale or transfer of ownership of any sign, or business or premises to which a sign relates, the new owner shall file with the inspector of buildings a
- Town of Ashburnham—Annual Town Meeting Warrant: May 7, 2019

written application for the transfer of the sign permit for such sign. Such application shall be accompanied by a certification that such sign complies with the provisions of this chapter. Such sign permit shall be transferred by the inspector of buildings, subject to the filing of any necessary bond by the applicant.

5.27 Nonconforming signs.

A sign lawfully erected and in compliance prior to the effective date of this Section, and which fails to conform to the provisions of this Sign Bylaw may continue unless the use of such sign is abandoned or discontinued for one year or more, subject to the following:

- a. A nonconforming sign shall not be changed to another sign not in conformity with this chapter.
- b. A face replacement that involves any alteration to the face itself constitutes a change.
- c. A pre-existing nonconforming sign shall lose its nonconforming status if the owner of such premises changes the use of the land or any buildings thereon, changes the location of the sign, expands or extends any building(s) thereon, or changes the property line(s).
- d. A nonconforming sign shall not be maintained or reestablished after the activity, business, or usage to which it relates has been discontinued for 30 days.

5.28 Enforcement.

Violations of this bylaw shall be enforced by the inspector of buildings.

- a. Non-Criminal Disposition. In addition to enforcement procedures authorized elsewhere in this Zoning Bylaw or the General Laws, the provisions of this bylaw may be enforced by non-criminal complaint pursuant to the provisions of M.G.L. c. 40, § 21D.
- b. Penalties. Each day on which a violation exists shall be deemed a separate offense. The penalty for violation of any of the provisions of this sign bylaw shall be \$50 for the first offense; \$75 for the second offense; and \$100 for the third and each subsequent offense.

Nothing contained herein shall be deemed to require the use of non-criminal disposition, and at the option of the inspector of buildings, criminal and/or civil proceedings may also be utilized.

5.29 State Building Code.

To the extent that any conflict exists between the provisions of this bylaw and the applicable provision of the State Building Code, as it may be amended from time to time, the provisions of the State Building Code shall govern.